

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2681

AN ACT

REPEALING SECTIONS 46-731 AND 46-732, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 46-731; MAKING A TRANSFER OF MONIES; RELATING TO UTILITY REPAIR AND DEPOSIT ASSISTANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Sections 46-731 and 46-732, Arizona Revised Statutes, are repealed.

4 Sec. 2. Title 46, chapter 6, article 3, Arizona Revised Statutes, is
5 amended by adding a new section 46-731, to read:

6 46-731. Utility assistance: qualified fuel fund entity: report:
7 definitions

8 A. ON AN ANNUAL BASIS, A UTILITY SHALL TRANSMIT ALL ABANDONED
9 DEPOSITS, INCLUDING ANY INTEREST ON A DEPOSIT, TO A QUALIFIED FUEL FUND
10 ENTITY. THE QUALIFIED FUEL FUND ENTITY THAT RECEIVES ANY MONIES UNDER THIS
11 SECTION SHALL PROVIDE ASSISTANCE TO ELIGIBLE RECIPIENTS IN MAKING UTILITY
12 DEPOSITS AND OWNER REPAIRS OR REPLACEMENT OF UTILITY RELATED APPLIANCES OR
13 SYSTEMS.

14 B. A DEPOSIT, INCLUDING ANY INTEREST ON THE DEPOSIT, THAT IS MADE BY A
15 SUBSCRIBER WITH A UTILITY TO SECURE PAYMENT OR ANY AMOUNT THAT IS PAID IN
16 ADVANCE FOR UTILITY SERVICES TO BE FURNISHED, LESS ANY LAWFUL DEDUCTIONS OR
17 ANY AMOUNT HELD BY A UTILITY THAT THE UTILITY HAS BEEN ORDERED TO REFUND BY A
18 COURT OR ADMINISTRATIVE AGENCY, AND THAT REMAINS UNCLAIMED BY THE SUBSCRIBER
19 FOR MORE THAN TWO YEARS AFTER THE TERMINATION OF THE SERVICES FOR WHICH THE
20 DEPOSIT OR ADVANCE PAYMENT WAS MADE, OR FOR MORE THAN TWO YEARS AFTER THE
21 REFUND BECOMES PAYABLE AND DISTRIBUTION OCCURS PURSUANT TO THE FINAL ORDER OF
22 THE COURT OR ADMINISTRATIVE AGENCY THAT HAS JURISDICTION TO ESTABLISH THE
23 TERMS AND CONDITIONS OF THE REFUND, IS PRESUMED ABANDONED AND SHALL BE
24 TRANSMITTED TO A QUALIFIED FUEL FUND ENTITY. ANY UTILITY THAT DELIVERS THESE
25 REFUND PAYMENTS TO A QUALIFIED FUEL FUND ENTITY IN GOOD FAITH IS RELIEVED OF
26 ALL LIABILITY TO THE EXTENT OF ANY REFUND PAYMENT DELIVERED FOR ANY CLAIM
27 THEN EXISTING OR THAT THEREAFTER MAY ARISE OR BE MADE IN RESPECT TO THE
28 PROPERTY. THIS SUBSECTION DOES NOT APPLY TO ANY REFUND SUBJECT TO SECTION
29 44-302, SUBSECTION A, PARAGRAPH 11 OR TO ANY REFUND THAT THE COURT OR AGENCY
30 ORDER PROVIDES WILL BE HELD BY A PERSON OTHER THAN THE UTILITY.

31 C. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE QUALIFIED FUEL FUND
32 ENTITY SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
33 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A
34 COPY OF THIS REPORT TO THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES
35 AND PUBLIC RECORDS. THE REPORT SHALL DESCRIBE THE ACTIONS AND EXPENDITURES
36 OF THE QUALIFIED FUEL FUND ENTITY DURING THE PREVIOUS YEAR.

37 D. FOR THE PURPOSES OF THIS SECTION:

38 1. "ABANDONED DEPOSIT" MEANS A DEPOSIT, INCLUDING ANY INTEREST ON THE
39 DEPOSIT, THAT IS MADE BY A SUBSCRIBER WITH A UTILITY TO SECURE PAYMENT OR ANY
40 AMOUNT THAT IS PAID IN ADVANCE FOR UTILITY SERVICES TO BE FURNISHED, LESS ANY
41 LAWFUL DEDUCTIONS OR ANY AMOUNT HELD BY A UTILITY THAT THE UTILITY HAS BEEN
42 ORDERED TO REFUND BY A COURT OR ADMINISTRATIVE AGENCY, AND THAT REMAINS
43 UNCLAIMED BY THE SUBSCRIBER FOR MORE THAN TWO YEARS AFTER THE TERMINATION OF
44 THE SERVICES FOR WHICH THE DEPOSIT OR ADVANCE PAYMENT WAS MADE, OR FOR MORE
45 THAN TWO YEARS AFTER THE REFUND BECOMES PAYABLE AND DISTRIBUTION OCCURS

1 PURSUANT TO THE FINAL ORDER OF THE COURT OR ADMINISTRATIVE AGENCY THAT HAS
2 JURISDICTION TO ESTABLISH THE TERMS AND CONDITIONS OF THE REFUND.

3 2. "QUALIFIED FUEL FUND ENTITY" MEANS A PRIVATE COMMUNITY-BASED
4 NONPROFIT ENTITY THAT IS RECOGNIZED UNDER SECTION 501(c)(3) OF THE INTERNAL
5 REVENUE CODE AND THAT HAS A FUEL FUND ESTABLISHED FOR THE PURPOSES OF
6 ACCEPTING PRIVATE AND PUBLIC MONIES TO PROVIDE UTILITY ASSISTANCE TO LOW
7 INCOME RESIDENTS IN THIS STATE, INCLUDING MEMBERS OF AN INDIAN TRIBE WHO
8 RESIDE ON AN INDIAN RESERVATION.

9 3. "UTILITY" MEANS A PERSON THAT, FOR PUBLIC USE, TRANSMITS, SELLS,
10 DELIVERS OR FURNISHES ELECTRICITY, WATER, GAS, SEWER OR TELECOMMUNICATIONS
11 SERVICES.

12 Sec. 3. Transfer of monies; utility assistance fund monies;
13 contract; exemption

14 A. All monies in the utility assistance fund established by section
15 46-731, Arizona Revised Statutes, as repealed by this section, that remain
16 unexpended and unencumbered on the effective date of this act are transferred
17 to the department of economic security for the purpose of entering into a
18 contract by December 1, 2008 with a private community-based nonprofit entity
19 that provides utility assistance. The contract must be with a private
20 community-based nonprofit entity that is recognized under section 501(c)(3)
21 of the internal revenue code and that has a fuel fund established for the
22 purposes of accepting private and public monies to provide utility assistance
23 to low income residents in this state, including members of an Indian tribe
24 who reside on an Indian reservation. The amount of the contract shall be
25 equal to the entire amount transferred under this subsection.

26 B. The process of offering, approving and awarding the contract under
27 subsection A is exempt from title 41, chapter 23, Arizona Revised Statutes,
28 relating to government procurement.